

As Introduced

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H. B. No. 392

Representatives Fischer, Demetriou

To enact section 9.89 of the Revised Code to limit
further regulation of certain computational
systems, require risk management policies for
AI-controlled critical infrastructure, and to
name this act the Ohio Right to Compute Act.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 9.89 of the Revised Code be
enacted to read as follows:

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Sec. 9.89. (A) As used in this section:

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(1) "Compelling governmental interest" means a
governmental interest of the highest order that cannot be
achieved without burdening the lawful use of computational
resources, including all of the following:

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(a) Ensuring the continued and reliable operation of
critical infrastructure facilities;

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(b) Addressing deceptive practices and fraud;

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(c) Protecting minors and vulnerable populations from
harmful content generated by artificial intelligence systems,
such as images or video or audio recordings that replicate the
likeness of an individual, commonly known as "deepfakes," that

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are generated or published without the individual's consent; 20

(d) Preventing and remediating public nuisances associated 21
with physical data center infrastructure. 22

(2) "Computational resource" means any system, software, 23
network, device, or infrastructure capable of processing, 24
storing, transmitting, manipulating, or disseminating data or 25
information, including hardware, software, algorithms, 26
cryptography, artificial intelligence systems, machine learning 27
systems, quantum computing tools, and any similar technologies. 28

(3) "Artificial intelligence system" means any system that 29
utilizes machine learning or similar technologies to infer from 30
inputs how to produce outputs that affect or influence physical 31
or virtual environments, including content generation, 32
decisions, recommendations, or predictions. 33

(4) "Critical infrastructure facility" has the same 34
meaning as in section 2911.21 of the Revised Code. 35

(5) "State agency" means every organized body, office, or 36
agency established by the laws of the state for the exercise of 37
any function of state government. "State agency" does not 38
include the general assembly. 39

(6) "Political subdivision" means any body corporate and 40
politic that is responsible for governmental activities only in 41
a geographic area smaller than the state. 42

(B) No political subdivision or state agency shall enact, 43
adopted, enforce, or maintain any law, rule, regulation, permit 44
requirement, or other administrative practice that restricts or 45
prohibits any person's lawful use, development, deployment, or 46
possession of a computational resource unless the restriction is 47
narrowly tailored to achieve a compelling governmental interest. 48

(C) (1) Any person or other entity that implements or 49
operates an artificial intelligence system that in whole or in 50
part controls a critical infrastructure facility shall, before 51
or within a reasonable period after the deployment of the 52
system, implement a risk management policy that conforms to all 53
of the following: 54

(a) The latest version of the artificial intelligence risk 55
management framework developed by the national institute of 56
standards and technology under the United States department of 57
commerce; 58

(b) The international organization for standardization and 59
international electrotechnical commission 4200 standard or any 60
other nationally or internationally recognized artificial 61
intelligence risk management standard or framework not referred 62
to in this section; 63

(c) All applicable federal regulations. 64

(2) The requirement to implement a risk management policy 65
under division (C) (1) of this section does not apply if the 66
artificial intelligence system is capable of completing only 67
nonexecutive tasks of a procedural or preparatory nature or 68
implementing only those decisions previously made by a human 69
decision maker, or if the artificial intelligence system is 70
exclusively an antivirus, antimalware, or cybersecurity tool. 71

(D) This section shall not be construed to abridge, alter, 72
diminish, or conflict with any legal rights and remedies related 73
to intellectual property, including patent, trademark, 74
copyright, and trade secret protections. 75

Section 2. This act shall be known as the Ohio Right to 76
Compute Act. 77